



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TRG

Docket No: 2841-99

30 November 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve filed an application with this Board requesting, in effect, that his record be corrected to show entitlement to a retired identification card.

2. The Board, consisting of Mr. Pfeiffer, Mr. Milner and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 21 November 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application was filed in a timely manner.

c. Attached to enclosure (2) is the Board's Report of Proceedings, dated 18 August 1997, in Petitioner's prior case. This action resulted in a change to his record to show that he served on active duty in the Naval Reserve vice the Regular Navy for the last eight years of his service. With this change, he became eligible for reserve retired pay at age 60 as a former member. Petitioner became 60 years old on 2 March 1999.

d. Petitioner has submitted evidence showing that he is now drawing his retired pay as a former member. However, he states that the local office which issues identification (ID) cards is denying his request for an ID card because he is not a member of the military. He desires a correction to his record so that he

can receive full retirement benefits.

e. The Board is aware that Petitioner is eligible for issuance of ID cards which will grant him access to commissary, exchange and morale, welfare and recreation facilities. In addition, on 29 October 1999, the Under Secretary of Defense extended these privileges to former members who are not yet 60 years old. Therefore, the refusal to issue ID cards is erroneous.

f. The Board is aware that the Uniform Retirement Date Act, 5 U.S.C. 8301 requires that the effective date of any retirement be the first day of the month.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board concludes that given the circumstances of this case and since Petitioner is now receiving his retired pay, no useful purpose is served by continuing his status as a former member. Therefore, the record should be corrected to show that his reserve enlistment 29 September 1975 was extended for a period of one month. The record should then be corrected to show that he was released from active duty on 25 September 1981 vice being discharged on that date and that he then transferred to the Retired Reserve on 1 October 1981. Since he is now 60 years old, the record should be further corrected to show that he transferred to the Retired List on 2 March 1999.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand his status on the Retired List.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he extended his enlistment of 29 September 1975 for a period of one month, and on 25 September 1981 he was released from active duty vice being discharged on that date.

b. That Petitioner's naval record be further corrected to show that he transferred to the Retired Reserve on 1 October 1981 and to the Retired List on 2 March 1999.

c That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's


review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director